

AN ORDINANCE APPROVING
AN AMENDED PRE-ANNEXATION AGREEMENT

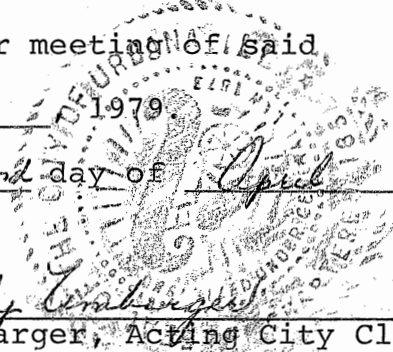
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,
ILLINOIS, as follows:

1. That the Pre-Annexation Agreement between the City of Urbana, Illinois and Kent E. Stonner and Stephen M. O'Byrne, a copy of which Agreement is attached hereto and hereby incorporated by reference, be and the same is hereby approved.

2. That the Mayor of the City of Urbana be and the same is hereby authorized to execute said Pre-Annexation Agreement for and on behalf of the City of Urbana.

This Ordinance is hereby passed by a two-thirds vote, the "ayes" and "nays" being called, of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of April 1979.

PASSED by the City Council this 2nd day of April, 1979.


Beverly Umbarger
Beverly Umbarger, Acting City Clerk

APPROVED by the Mayor this 9th day of April, 1979.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

7879-87

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE
NO. 7879-87 AND IS INCORPORATED THEREIN BY REFERENCE.

Beverly Umbarger, Acting City
Clerk

Date

AMENDED
PRE-ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of April, 1979, by and between the City of Urbana, Illinois, a municipal corporation, by and through its Mayor and its Aldermen (hereinafter referred to collectively as the "Corporate Authority") and KENT E. STONNER and STEPHEN M. O'BYRNE (hereinafter referred to as "Owners").

WITNESSETH:

WHEREAS, KENT E. STONNER and STEPHEN M. O'BYRNE are the Owners of record of certain real estate, legally described as and hereinafter referred to in its entirety as Parcel 1:

All of the North One-Half (N 1/2) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 5, in Township 19 North, Range 9 East of the Third Principal Meridian, except the South 57 feet thereof and except the West three acres thereof, in Champaign County, Illinois.

WHEREAS, the said Parcel 1 is contiguous to the corporate limits of the City of Urbana and may be annexed to the City of Urbana as provided in Article 7 of the Illinois Municipal Code; and

WHEREAS, the Corporate Authority and the Owners desire to have said Parcel 1 annexed to the city of Urbana upon certain terms and conditions hereinafter set forth; and

WHEREAS, the Corporate Authority and Owners realize that the best use of Parcel 1 is a Planned Unit Development under R-1 zoning, which has been approved in a preliminary stage, but because of the uncertainty of the economy and the inability of the Owners to obtain longterm financing, the Owners retain the right, in accordance with the Subdivision ordinance, and without amendment to this agreement, to provide for the possible development of this parcel, not inconsistent with any development permitted under R-1 zoning.

WHEREAS, the surrounding area in the City of Urbana is presently zoned R-1; one and two family residential,

WHEREAS, the neighbors have asked the developers to develop Parcel 1 in two family residential.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, IT IS AGREED AS FOLLOWS:

1. This Agreement is made pursuant to, and in accordance with, the provisions of Section 11-15, 1-1, et. seq., of the Illinois Municipal Code. (Chapter 24, Illinois Revised Statutes, 1973.)

2. That the provisions of the Municipal Ordinances, including subdivision control, zoning, planned unit developments, official plan, and related restrictions as applied to the parcel of real estate described herein be continued in effect under the Municipal Ordinances for the duration of the Agreement, and no amendments after the acceptance of this Agreement shall be binding on the Owners with respect to the land described.

3. That the Corporate Authority, in its discretion and for good cause, extends the period of time to file a final plat from 6 months to 2 years dating from November 15, 1978.

4. That the Owners agree to waive the right to have approval of the final plat of the Planned Unit Development for Parcel 1, before Parcel 1 can be annexed into the City, and the Owners desire immediate annexation of Parcel 1 under R-1 zoning.

5. That the corporate authority annex the real estate described herein and enact such lawful ordinances as may be appropriate or required to legally annex said real estate and that upon said annexation the subject real estate shall be zoned R-1, one and two family residential under the terms and provisions of the Zoning Ordinance of Urbana, 1970.

6. That the Owners agree that during the term of this Agreement, neither they, their successors and assigns, will develop or otherwise improve Parcel 1, except pursuant to and in accordance with the present provisions of the Urbana Zoning Ordinance relating to residential Planned Unit Development or the Urbana subdivision ordinance related to individual lot development under the R-1 zon-

7. That in lieu of any bond or cash escrow deposits for public improvements, the Developer, at its election, may furnish to the Corporate Authority irrevocable letter of credit in the form approved by the city attorney, certifying that adequate funds are available, and will remain so, at a sound and reputable banking or financial institution, authorized to do business in the State of Illinois; such an irrevocable letter of credit to be in effect for the length of time required to complete the public improvements,

and in a form to allow corporate authorities to procure the funds irrevocably committed to complete the required public improvements, if construction of said improvements shall be in default.

8. This agreement shall be binding upon the parties hereto and their respective successors and assigns, for a full term of ten (10) years, commencing as of the date hereof, as provided by Statute; and to the extent permitted thereby, it is agreed that in the event the annexation of Owners' real estate or the terms of this Agreement are challenged in any Court proceeding, the period of time during which such litigation is pending should not be included in calculating said ten (10) year term.

IN WITNESS WHEREOF, the Corporate Authority and the Owners have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials, and the corporate seal affixed hereto, all on the day and year first above written.

City of Urbana, Illinois

Dated: 4/9/79 Jeffrey T. Mallon (Mayor)

ATTEST:

Dated: 4/10/79 Beverly Umbarger ^{Acting} (City Clerk)
(Corporate Authority)

Dated: FEB 20, 1979 ~~Kent E. Stonner~~ (Kent E. Stonner)

ATTEST:

Dated: 2/22/79 Donna L. Lory (Notary Public)

Dated: 22 Feb 1979 Stephen M. O'Byrne (Stephen M. O'Byrne)

ATTEST:

Dated: Feb 22, 1979 Donna L. Lory (Notary Public)
(Owners)